

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
Attorney Docket No. 006387.00037

In re U.S. Patent Application of Berti	)	
	)	Group Art Unit: 1744
Application No. 10/667,954	)	
	)	Examiner: Balsis
Filed: September 22, 2003	)	
	)	Confirmation No. 121
FOR: DUSTPAN AND BROOM KIT	)	

**ASSERTION OF SMALL ENTITY STATUS**

MS: Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

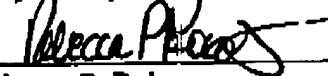
Dear Sir:

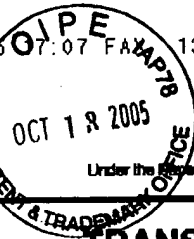
Although large entity fees were paid at the initial filing of this application, Applicant was a small entity at the time the instant application was filed, and pursuant to 37 C.F.R. §1.27, Applicant is entitled to pay small entity fees.

As this statement is not being filed within three months of the date of payment of the application filing fee, it is Applicant's understanding that they are not eligible for a refund of the overpayment. However, if this is incorrect, please refund any over payment to Deposit Account No. 19-0733.

Date: October 13, 2005

Respectfully submitted,

By:   
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/667,954
		Filing Date	September 22, 2003
		First Named Inventor	Berti
		Art Unit	1744
		Examiner Name	Balsis
Total Number of Pages In This Submission	6	Attorney Docket Number	006387.00037

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Issue Fee Transmittal (in duplicate) Fee Transmittal Assertion of Small Entity Status Fax Cover Sheet
<b>Remarks</b> The Commissioner is authorized to charge any fees in connection with this correspondence to Deposit Account No. 19-0733.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Banner & Witcoff, LTD.		
Signature			
Printed Name	Rebecca P. Rokos		
Date	October 13, 2005	Reg. No.	42,109

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Signature	
Typed or printed name	Diana Preston
Date	10-13-05

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